IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.6284/2007.

Villagers of Village Sarna Doongar and ors.
Vs.
Union of India and ors.

Date of Order : 21/8/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Swadeep Singh Hora for the petitioners.

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BY THE COURT:-

Heard learned counsel for the petitioners.

The petitioners have challenged the acquisition notification dated 3/7/2007 (Annexure-1) issued under Section 3(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User of Land) Act, 1962 (for short, “Act of 1962”).

Learned counsel for the petitioners contended that other than the proposed pipeline alternatively, another route covering same distance of the pipeline going through pasture land of 250 mtr. near boundary of village Mansarampura and then through road of village Mansarampura to Sarna Doongar, then to RIICO Road and then to Road No.14

Sarna Doongar VKIA Area, Jaipur is available and can be taken which will save 50 fields otherwise enundated in the pipeline route. This alternate route covers approximately the same distance between three villages and the difference between exiting purposed route of acquisition of land and alternate route is same virtually saving approximately 60 cultivators in Sarna Doongar, 20 cultivators in Bawadi and approximately 30 cultivators in Mansarampura having their lands under the pipeline area. It is further contended that this pipeline goes through the Gas Godown upto VKI Road No.14, Jaipur. The entire route of pipeline is 12 kms. and approximately 8 kms. pipeline is going through the road side from the boundary of village Sarna Doongar to Road No.14 VKIA Jaipur. However, between village Sarna Doongar and Gas Godown, 4 kms. pipeline covering aforesaid khasra numbers mentioned in these villages and effecting almost 100 cultivators is being taken through the field of cultivators when alternative route along road side is possible which goes through 250 mtrs. of pasture land bounding village Mansarampura and then village road Mansarampura to Sarna Doongar and onward

to RIICO Road of Sarna Doongar and to Road No.14 VKIA, Jaipur.

Having heard learned counsel for the petitioners and perused the material on record, I find that the grievances which the petitioners are seeking to raise can be better appreciated by the competent authority, GAIL (India) Ltd., respondent No.2 because Section 5(2) of the Act of 1962 provides that every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and may, after hearing all such objections and after making such further inquiry, if any, as that authority thinks necessary, by order either allow or disallow the objections.

At this stage, I do not see any reason to interfere with the matter. Petitioners however are free to make a representation to the competent authority raising all those arguments which they have raised in the instant petition along with the relevant material and in that event, the the

competent authority shall consider the objection/representation of the petitioners in accordance with the law.

With the above observations, the writ petition stands disposed of.

(MOHAMMAD RAFIQ), J.

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